



November 29, 1999

Mr. Steven D Monté
Assistant City Attorney
Criminal Law And Police Division
2014 Main Street, Room 206
Dallas, Texas 75201

OR99-3400

Dear Mr. Monté:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129830.

The Dallas Police Department(the department) received a request for the “full incident report” of service number 0309301-G. You claim that the information is excepted from disclosure under section 552.101 of the Government Code in conjunction with the constitutional or common-law rights to privacy. *See* Gov’t Code § 552.305(a) (when person’s privacy interest may be involved, governmental body may decline to release information for purpose of requesting attorney general decision). You submitted only a representative sample of the requested information. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure “information considered confidential by law, either constitutional, statutory, or by judicial decision.” The provision encompasses common-law privacy and excepts from disclosure private facts about an individual. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Therefore, information may be withheld from the public when (1) it is highly intimate and embarrassing such that its release would be highly objectionable to a person of ordinary sensibilities, and (2) there is no legitimate public interest in its disclosure. *Id.* at 685; Open Records Decision No. 611 at 1 (1992).

The type of information considered intimate and embarrassing by the Texas Supreme Court in *Industrial Foundation* included information relating to sexual assault, pregnancy, mental

or physical abuse in the workplace, illegitimate children, psychiatric treatment of mental disorders, attempted suicide, and injuries to sexual organs. *Industrial Foundation*, 540 S.W.2d at 683; *see* Open Records Decision Nos. 422 (1984), 339 (1982). Additionally, this office has found that the following type of information is excepted from required public disclosure under common-law privacy: some kinds of medical information or information indicating disabilities or specific illnesses, *see* Open Records Decision Nos. 470 (1987) (illness from severe emotional and job-related stress), 455 (1987) (prescription drugs, illnesses, operations, and physical handicaps).

The information requested in this instance is of a type considered intimate and embarrassing. Additionally, we find that there is no legitimate public interest in the intimate and embarrassing details of the representative sample provided to us. This office is unable to determine what, if any, of the information not submitted for review must be withheld. We have marked the information that you must withhold on the document provided to us. Because you raise no other exception, you must release all requested information not protected by common-law privacy. We caution you that the distribution of confidential information may constitute a criminal offense. *See* Gov't Code § 552.352.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Patricia Michels Anderson
Assistant Attorney General
Open Records Division

PMA/jc

Ref: ID# 129830

Encl. Submitted documents

cc: Mr. Gerald Hoffpauir
1386 South Hulan
Desoto, Texas 75115
(w/o enclosures)